

SENATE BILL 1876
By Kyle

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11 and Title 40, Chapter 4, relative to bail.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-4-117, is amended by deleting subsection (a) and substituting instead the following:

(a) In all misdemeanor cases where bond is made for appearance before the court of general sessions, the judge is authorized and empowered to prescribe the amount of bail, either cash or otherwise, within the same discretionary powers as are granted to judges of the circuit and criminal courts by § 40-11-104, and the form of bail, within the same discretionary powers granted to judges of the circuit and criminal courts by § 40-11-152.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following as a new section:

Section 40-11-152.

(a) If the criminal or circuit court judge, or chancellor if applicable, determines that imposing bail is an appropriate condition for the release

of a defendant, the judge or chancellor shall have the authority to determine:

- (1) The form that the bond shall take, including a cash deposit bond;
- (2) The amount of the bond in accordance with the factors listed in § 40-11-118; and
- (3) The conditions of release on bond in accordance with § 40-11-116 or § 40-11-150, if applicable.

(b) Nothing in the authority granted a judge or chancellor in subsection (a) to determine the form of the bond shall be construed to permit a judge to abrogate a defendant's right to be admitted to bail pursuant to Article I, § 15 of the Constitution of Tennessee or Tennessee Code Annotated, Section 40-11-102.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.